

UNITED STATES OF AMERICA		DO NOT WRITE IN THIS SPACE	
NATIONAL LABOR RELATIONS BOARD		Case	Date filed
CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS		09-CB-245085	July 17, 2019
INSTRUCTIONS: File an original of this charge with the NLRB Regional Director of the region in which the alleged unfair labor practice occurred or is occurring.			
1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name International Union of Operating Engineers, AFL-CIO (IUOE), Local 181		b. Union Representative to Contact Rick Lewis Business Agent	
c. Address 121 Cherrybark Dr, Lexington, KY 40503		d. Tel. No. (859)278-8458	e.e. Cell No.
		f. Fax No.	g. e-Mail
h. The above-named labor organization or its agents have engaged in and are engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (1)(A), (2) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) For the last 6 months, the above-named Labor Organization, through (b) (6), (b) (7)(C), has been failing and refusing to properly refer the Charging Party to jobs for arbitrary, invidious and discriminatory reasons.			

3. Name of Employer Ryan Inc Central		4a. Tel. No.	4b. Cell No. 847-417-8229
		4c. Fax No.	4d. e-Mail
5. Location of Plant involved (street, city, state, and ZIP code) 1120 Fort Pickens Rd, LaGrange, KY 40031		6. Employer representative to contact Dave Herman	
7. Type of Establishment (factory, mine, wholesaler) Construction	8. Principal product or service Machine Operating		9. Number of Workers employed 30
10. Full name of party filing charge (b) (6), (b) (7)(C)		11a. Tel. No.	11b. Cell No. (b) (6), (b) (7)(C)
		11c. Fax No.	11d e-Mail (b) (6), (b) (7)(C)
11. Address of party filing charge (street, city, state, and ZIP code) (b) (6), (b) (7)(C)			
12. DECLARATION			
I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief.			
By: (b) (6), (b) (7)(C)		Tel No.	
(sig)	(b) (6), (b) (7)(C)	Cell No. (b) (6), (b) (7)(C)	
Address: (b) (6), (b) (7)(C)		Date: 7/10/2019	Fax No.
			e-Mail (b) (6), (b) (7)(C)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 9
550 MAIN ST
RM 3003
CINCINNATI, OH 45202-3271

Agency Website: www.nlr.gov
Telephone: (513)684-3686
Fax: (513)684-3946

November 12, 2019

(b) (6), (b) (7)(C)

Re: INTERNATIONAL UNION OF
OPERATING ENGINEERS, AFL-CIO
(IUOE), LOCAL 181
(Ryan Inc Central)
Case 09-CB-245085

Dear (b) (6), (b) (7)(C):

We have carefully investigated and considered your charge that International Union of Operating Engineers, AFL-CIO (IUOE), Local 181 has violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have decided to dismiss your charge because there is insufficient evidence to establish a violation of the Act.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. To file electronically using the Agency's e-filing system, go to our website at www.nlr.gov and:

- 1) Click on E-File Documents;
- 2) Enter the NLRB Case Number; and,
- 3) Follow the detailed instructions.

Electronic filing is preferred, but you also may use the enclosed Appeal Form, which is also available at www.nlr.gov. You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. To file an appeal by mail or delivery service, address the appeal to the **General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on **November 26, 2019**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by

delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than November 25, 2019. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before November 26, 2019.** The request may be filed electronically through the *E-File Documents* link on our website www.nlr.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after November 26, 2019, **even if it is postmarked or given to the delivery service before the due date.** Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,

/s/ Eric V. Oliver

Eric V. Oliver
Acting Regional Director

Enclosure

cc: Rick Lewis, Business Agent - International Union of Operating Engineers, AFL-CIO
(IUOE), Local 181 - 121 Cherrybark Dr - Lexington, KY 40503

James P. Faul, Attorney - Hartnett Reyes-Jones, LLC - 4399 Laclede Avenue
Saint Louis, MO 63108-2248

Dave Herman - Ryan Inc Central - 1120 Fort Pickens Rd - LaGrange, KY 40031

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

APPEAL FORM

To: General Counsel
Attn: Office of Appeals
National Labor Relations Board
1015 Half Street SE
Washington, DC 20570-0001

Date:

Please be advised that an appeal is hereby taken to the General Counsel of the National Labor Relations Board from the action of the Regional Director in refusing to issue a complaint on the charge in

Case Name(s).

Case No(s). *(If more than one case number, include all case numbers in which appeal is taken.)*

(Signature)

UNITED STATES OF AMERICA		DO NOT WRITE IN THIS SPACE	
NATIONAL LABOR RELATIONS BOARD		Case	Date filed
CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS		09-CB-241082	May 8, 2019
INSTRUCTIONS: File an original of this charge with the NLRB Regional Director of the region in which the alleged unfair labor practice occurred or is occurring.			
1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name International Union of Operating Engineers, AFL-CIO (IUOE), Local 181		b. Union Representative to Contact Rick Lewis, Business Agent	
c. Address 121 Cherrybark Dr, Lexington, KY 40503		d. Tel. No. (859)278-8458	e.e. Cell No.
		f. Fax No.	g. e-Mail
h. The above-named labor organization or its agents have engaged in and are engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (1)(A), (2) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)			
<p>For the last 6 months, the above-named Labor Organization has failed and refused to have any written hiring hall rules explaining a subjective method as to how members are referred out to jobs for arbitrary, invidious and discriminatory reasons.</p> <p>For the last 6 months, the above-named Labor Organization has failed and refused to provide its hiring hall rules to its members, including the Charging Party, for arbitrary, discriminatory and invidious reasons.</p> <p>For the last 6 months, the above-named Labor Organization, through (b) (6), (b) (7)(C), has failed and refused to properly refer the Charging Party to a job for arbitrary, invidious and discriminatory reasons, one reason is because (b) (6), (b) (7)(C) (b) (6), (b) (7)(C).</p> <p>For the last 6 months, the above-named Labor Organization, through (b) (6), (b) (7)(C), has failed and refused to file grievances on behalf of the Charging Party for arbitrary, invidious and discriminatory reasons, one reason being (b) (6), (b) (7)(C).</p>			
3. Name of Employer Lesco Design and Manufacturing		4a. Tel. No.	4b. Cell No. 562-974-2497
		4c. Fax No.	4d. e-Mail
5. Location of Plant involved (street, city, state, and ZIP code) 1120 Fort Pickens Rd, LaGrange, KY 40031		6. Employer representative to contact Dana Bond or Matt Lester	
7. Type of Establishment (factory, mine, wholesaler) service	8. Principal product or service manpower		9. Number of Workers employed 30
10. Full name of party filing charge (b) (6), (b) (7)(C)		11a. Tel. No.	11b. Cell No. (b) (6), (b) (7)(C)
		11c. Fax No.	11d e-Mail (b) (6), (b) (7)(C)
11. Address of party filing charge (street, city, state, and ZIP code) (b) (6), (b) (7)(C)			
12. DECLARATION			
I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief.			
By: X (b) (6), (b) (7)(C)		Tel. No.	
(signature) (b) (6), (b) (7)(C)		Cell No. (b) (6), (b) (7)(C)	
Address: (b) (6), (b) (7)(C)		Fax No.	
		e-Mail (b) (6), (b) (7)(C)	
		Date: X 4-5 4-2019	



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 9
550 MAIN ST
RM 3003
CINCINNATI, OH 45202-3271

Agency Website: www.nlr.gov
Telephone: (513)684-3686
Fax: (513)684-3946

May 16, 2019

Mr. James P. Faul
Attorney
Hartnett Reyes-Jones, LLC
4399 Laclede Avenue
Saint Louis, MO 63108-2248

Re: INTERNATIONAL UNION OF OPERATING
ENGINEERS, AFL-CIO (IUOE), LOCAL 181
(Lesco Design and Manufacturing)
Case 09-CB-241082

Dear Mr. Faul:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

Matthew T. Denholm
Acting Regional Director

cc: Rick Lewis
Business Agent
International Union of Operating
Engineers, AFL-CIO (IUOE), Local 181
121 Cherrybark Dr
Lexington, KY 40503

Dana Bond
Lesco Design and Manufacturing
1120 Fort Pickens Rd
LaGrange, KY 40031

(b) (6), (b) (7)(C)

